



An
Bord
Pleanála

Inspector's Report ABP314357-22

Development	Reroof shed, install dormer and velux roof windows and change of use of shed and associated siteworks.
Location	Main Street, Cappaghmore, County Limerick.
Planning Authority	Limerick County Council.
Planning Authority Reg. Ref.	22600.
Applicants	John and Laura Leahy.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellants	John and Laura Leahy.
Observer(s)	None
Date of Site Inspection	15 th June 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Main Street Cappamore in County Limerick. On the site is a two storey property which fronts onto the public footpath and forms part of a terrace of properties which continue to the east. To the west is a vacant site. The building fronting the street is a commercial property currently being renovated. To the rear of the main property is a two storey return and to the rear of the two storey return is a single storey building.

There is a rear yard area and the rear area of the property is connected to the street via an archway through the main building. At the rear of the property is a partially constructed two storey building located in the northeastern corner of the site adjoining the common party boundaries of properties to the east and north.

2.0 Proposed Development

- 2.1. The proposed development is to reroof a shed with slates, install dormer and velux roof windows and for a change of use of the shed to a dwelling house, to connect to existing services and associated siteworks. The stated floor area of the proposed dwelling is 74.84m². The dwelling as proposed is two storied with living accommodation at ground floor level and two bedrooms at first floor level. As indicated the works have commenced and at time of inspection the walls were partially built to eaves level and a gable wall constructed. There was no roof on the structure which appears to be a replacement of the structure which existed at this location.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse the development. The single reason refers to its location, limited plot size, haphazard backland development and over development of the site resulting in injuring the residential amenity of existing and future occupiers of the site and that it would set an undesirable precedent for similar development in the Architectural Conservation Area (ACA).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 19th July 2022 refers to a previous planning permission on the site P.A Ref. No. 21257 and that works granted under that permission in particular the arched gateway are required to be carried out to facilitate the current proposal. Photographs also indicate the shed that existed at the time of inspection by the planning authority (08/07/2022). The report indicates that drawing of the existing shed does not accurately reflect the shed present on the site.

Reference is made to development plan provisions and having regard to already permitted development on the site it considered that the development is inappropriate and over development of the site.

Reference is made to the site's location within the ACA and that the proposed development would see the construction of a new two storey dwelling. Reference is made to overlooking issues on the site, to current housing standards and to the absence of car parking but there is adequate space on the main street and cycle parking can be accommodated. Refusal of permission was recommended.

3.2.2. Other Technical Reports

Conservation Officer requested further information on a range of matters.

4.0 Planning History

P.A Ref. No. 21257 Permission granted on the appeal site for change of use of the licenced premises to a commercial unit and for two apartments at the rear of the premises, demolition of part of the front wall to permit an arched gate entrance to the rear to facilitate access to the apartments and a first floor apartment.

5.0 Policy and Context

5.1. Development Plan

The relevant statutory plan is the Limerick County Development Plan (CDP) 2022-2028. Volume 1 of the plan and specifically in chapter 3 Spatial Strategy outlines objectives for settlements throughout the county. Section 3.3.1.5 refers to Backland

Sites and that the Planning Authority will encourage the development of backland sites where appropriate opportunities exist in accordance with the Development Management Standards of this Plan. The Planning Authority will encourage landowners to prepare masterplans for the development of all backland sites in a particular row to avoid a piecemeal approach and ensure the long-term maximum development potential of such lands are realised. The design of any backland development shall avoid significant loss of amenity to existing residential properties by reason of loss of privacy, overlooking and excessive overshadowing.

Chapter 11 of Volume 1 refers to Development Management and outlines standards and criteria taken into account when assessing applications referring to the quality of the residential environment will be of primary significance in determining the acceptability of planning applications. Standards in relation to unit areas, open space parking and other criteria are outlined.

Volume 2b of the plan refers to villages and Cappamore is a level 4 large village within the settlement hierarchy. In the section of the plan specific to Cappamore the site is zoned village centre and residential development is generally permitted within the zoning.

Volume 3 of plan refers to Architectural Conservation Areas and ACA 19 refers to Cappamore and that this ACA is located on Main Street and Moore Street with very strong Irish 19th Century vernacular streetscapes with render facades on two-storey detached and terraced buildings. The site is located within ACA 19 as indicated on the accompanying map. The structure on the site is not a protected structure in the list outlined in volume 3D of the plan. The structure to the east of the appeal is listed.

5.2. Natural Heritage Designations

None relevant.

5.3. EIA Screening

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The grounds refers to the recent planning history of the site and a considerable part of the pub premises has been demolished and site coverage is considerably less than that which existed prior to site clearance and this is indicated on drawing submitted with the grounds of appeal.
- It is Council policy to reuse derelict or unused structures and reuse of the existing old bottle and keg store should therefore be encouraged and could not be described as haphazard. If permission is refused this building shall remain as commercial storage or unused unless an alternative use is permitted.
- The proposed development is 25 or 26 metres from the rear of the existing two storey building and although 8 metres from the rear of the single storey annexe there is on window on this gable facing the proposed development and overlooking is not an issue.
- The current occupiers of the first floor apartment over the old pub which currently do not have access to the courtyard area and will have access under the recently permitted development and benefit from the shared use of the courtyard area.
- The use of the old building subject of the appeal as residential will be of benefit to the apartment occupiers.
- The reroofing the shed with slates replacing a galvanised roof should be encouraged in an ACA.
- The development when completed will assist in meeting housing demand in the area.

6.2. Planning Authority Response

None Received

7.0 Assessment

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The reason stated in the planning authority's decision for refusal
- Appropriate Assessment

7.2. The reason stated in the planning authority's decision for refusal.

7.2.1. The reason for refusal as stated refers to its location, limited plot size, haphazard backland development and over development of the site resulting in injuring the residential amenity of existing and future occupiers of the site and that it would set an undesirable precedent for similar development in the Architectural Conservation Area (ACA).

7.2.2. It is initially important to state that the application as made referred to reroof a shed with slates, install dormer and velux roof windows and for a change of use of the shed to a dwelling house, to connect to existing services and associated siteworks. The planning report includes photographs of the site which indicate a shed with a low pitch roof with galvanised sheeting. The shed illustrated in the planning authority report was not on the site during my inspection and has been replaced by a partially constructed building of a modern construction with no roof. The window opes on the building currently on the site differ to those indicated on the drawings and the eaves height would also appear to be different. This would raise a question in relation to if a permission is to be considered what is actually to consider to be granted as what was applied for on the submitted documentation would not be correspond to what is actually in situ.

7.2.3. The primary issue is whether a dwelling unit is appropriate in the location indicated. The principle of permission for residential development is not at issue but the development is in effect a backland site and issues in relation to impacts on the existing residential properties require to be considered and the appropriateness of the development in the context of the site itself.

- 7.2.4. The site has already been the subject of a planning permission and there are currently two apartment units at the rear and another apartment at first floor level. The open space provision for occupants of these residential units is a shared courtyard formed by the demolition of sheds formerly located to the rear of the two storey building. No further provision of open space appears to be proposed for the additional proposed residential unit at the rear though there is reference to an existing garden on the drawings as submitted and is not clear whether this area is for the exclusive use of the proposed dwelling unit or added to the overall shared open space area.
- 7.2.5. The overall common shared arrangements for existing and proposed residential units is haphazard and provision for storage requirements are not provided for in the proposed dwelling unit. It is noted that the drawings submitted with the application indicate an approved bin storage area but the drawing submitted with the grounds of appeal do not show this but with a requirement for a bin storage it will be at the expense of open space.
- 7.2.6. In overall terms the site historically would appear to have has a high site coverage but I consider that the proposal as submitted would represent over development of the site in particular in the context an increase from 3 to 4 residential units with the additional of a commercial unit notwithstanding that the footprint of the additional unit is and was historically occupied by a building.
- 7.2.7. I would accept that no direct overlooking of habitable rooms would arise in relation to the proposed development and the two permitted ground floor apartment units but in qualitative terms the residential amenity for existing and future occupiers of the residential units would be diminished by the additional residential unit.
- 7.2.8. In relation to the issue of the Architectural Conservation Area referred to in the reason for refusal as development of this type is considered on their individual merit, I do not consider the issue of precedent arises and I would note that the ACA highlights vernacular streetscapes with render facades as the primary component of the ACA.
- 7.2.9. In relation to the proposal as initially presented in the application to the planning authority and as would appear to be currently in situ the development I consider

represents overdevelopment of the site in a haphazard manner and deficient in providing a qualitative residential environment.

7.3. **Appropriate Assessment Screening**

7.4. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions there from, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 **Recommendation**

8.1. I recommend that permission be refused.

9.0 **Reasons and Considerations**

The proposed development by reason of location in relation to existing and approved development and limitations in relation to overall site size and configuration would constitute haphazard backland development and over development of the site and would be seriously injurious to the residential amenities of existing and future occupiers of the site in relation to the provision of a qualitative shared open space amenity area and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

20th June 2023